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E-File: December 18, 2009

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11
 12 Attorneys for Debtors and
 Debtors in Possession

13
UNITED STATES BANKRUPTCY COURT

14
DISTRICT OF NEVADA

15 In re:

16 THE RHODES COMPANIES, LLC, aka
 17 "Rhodes Homes," et al.¹
 18
 19 Debtors.

Case No.: BK-S-09-14814-LBR
 (Jointly Administered)

Chapter 11

20 Affects:
 All Debtors
 Affects the following Debtor(s)

Hearing Date: January 14, 2010
 Hearing Time: 9:00 a.m.
 Courtroom 1

21
 22 ¹ The Debtors in these cases, along with their case numbers are: Heritage Land Company, LLC (Case No. 09-14778); The Rhodes Companies, LLC (Case No. 09-14814); Tribes Holdings, LLC (Case No. 09-14817); Apache Framing, LLC (Case No. 09-14818); Geronimo Plumbing LLC (Case No. 09-14820); Gung-Ho Concrete LLC (Case No. 09-14822); Bravo, Inc. (Case No. 09-14825); Elkhorn Partners, A Nevada Limited Partnership (Case No. 09-14828); Six Feathers Holdings, LLC (Case No. 09-14833); Elkhorn Investments, Inc. (Case No. 09-14837); Jarupa, LLC (Case No. 09-14839); Rhodes Realty, Inc. (Case No. 09-14841); C & J Holdings, Inc. (Case No. 09-14843); Rhodes Ranch General Partnership (Case No. 09-14844); Rhodes Design and Development Corporation (Case No. 09-14846); Parcel 20, LLC (Case No. 09-14848); Tuscany Acquisitions IV, LLC (Case No. 09-14849); Tuscany Acquisitions III, LLC (Case No. 09-14850); Tuscany Acquisitions II, LLC (Case No. 09-14852); Tuscany Acquisitions, LLC (Case No. 09-14853); Rhodes Ranch Golf Country Club, LLC (Case No. 09-14854); Overflow, LP (Case No. 09-14856); Wallboard, LP (Case No. 09-14858); Jackknife, LP (Case No. 09-14860); Batcave, LP (Case No. 09-14861); Chalkline, LP (Case No. 09-14862); Glynda, LP (Case No. 09-14865); Tick, LP (Case No. 09-14866); Rhodes Arizona Properties, LLC (Case No. 09-14868); Rhodes Homes Arizona, L.L.C. (Case No. 09-14882); Tuscany Golf Country Club, LLC (Case No. 09-14884); and Pinnacle Grading, LLC (Case No. 09-14887).

1 **MOTION OF DEBTORS FOR ENTRY OF AN ORDER UNDER BANKRUPTCY CODE**
 2 **SECTION 365(d)(4) EXTENDING TIME WITHIN WHICH DEBTORS MAY ASSUME**
 3 **OR REJECT UNEXPIRED LEASES OF NONRESIDENTIAL REAL PROPERTY;**
 4 **DECLARATION OF PAUL D. HUYGENS IN SUPPORT THEREOF**

4 **Preliminary Statement**

5 The above-captioned debtors and debtors in possession (the “Debtors”) are parties to
 6 certain unexpired leases of nonresidential real property. The Debtors file this motion (“Motion”)
 7 seeking an extension of the time within which the Debtors must assume or reject unexpired
 8 leases of nonresidential real property (the “Leases”). The Leases include, among other things,
 9 the Debtors’ corporate headquarters lease in Las Vegas, Nevada, various leases for storage, and
 10 the leases for model homes that the Debtors are leasing back from their customers who
 11 purchased the model homes.

12 A confirmation hearing is scheduled for January 14, 2010 and the deadline for the
 13 Debtors to assume or reject unexpired leases of nonresidential real property currently is January
 14 31, 2010. The Leases consist of those leases of nonresidential real property that are being
 15 assumed pursuant to the *Second Amended Modified Plan of Reorganization Pursuant to Chapter*
 16 *11 of the Bankruptcy Code for the Rhodes Companies, LLC et al.* [Docket Number 797] (the
 17 “Plan”) proposed by the First Lien Steering Committee. The Leases are being assumed as of the
 18 effective date (the “Effective Date”) of the Plan and, as a result, the Debtors do not want to
 19 assume the Leases prior to the Effective Date. Because it is possible that the January 31, 2010
 20 deadline will expire prior to the Effective Date, out of an abundance of caution the Debtors are
 21 seeking to extend the deadline to ensure that the Leases will not be rejected by operation of law
 22 to the detriment of the Debtors’ estates and contrary to the intention of the Plan.

23 **General Background**

24 1. On March 31, 2009, the above-captioned Debtors (the “Primary Filers”) except
 25 Tuscany Golf Country Club LLC, Pinnacle Grading LLC, and Rhodes Homes Arizona LLC (the
 26 “Secondary Filers”) filed voluntary petitions for relief under chapter 11 of title 11, United States
 27 Bankruptcy Code (the “Bankruptcy Code”). On April 1, 2009, the Secondary Filers filed
 28 voluntary petitions for relief under chapter 11 of the Bankruptcy Code. All references to Petition

1 Date herein shall mean March 31, 2009 for the Primary Filers or April 1, 2009 for the Secondary
 2 Filers, as applicable.

3 2. The Debtors are operating their businesses and managing their properties as
 4 debtors and debtors-in-possession pursuant to sections 1107(a) and 1108 of the Bankruptcy
 5 Code. These chapter 11 cases are being jointly administered for procedural purposes.

6 3. The original period for assuming or rejecting the Leases was by July 29, 2009 for
 7 the Primary Filers and by July 30, 2009 for the Secondary Filers.

8 4. On June 27, 2009, the Debtors filed a motion to extend the time period within
 9 which the Debtors may assume or reject unexpired leases of nonresidential real property
 10 pursuant to section 365(d)(4) of the Bankruptcy Code (the "First Extension Motion") [Docket
 11 Number 264].

12 5. On July 21, 2009, the Court entered an order approving the First Extension
 13 Motion [Docket Number 334] and extending the time period within which all of the Debtors
 14 assume or reject unexpired leases of nonresidential real property until October 27, 2009.

15 6. On September 24, 2009, the Debtors filed a motion to extend the time period
 16 within which the Debtors may assume or reject unexpired leases of nonresidential real property
 17 pursuant to section 365(d)(4) of the Bankruptcy Code (the "Second Extension Motion") [Docket
 18 Number 497].

19 7. On October 28, 2009, the Court entered an order approving the Second Extension
 20 Motion [Docket Number 657] and extending the time period within which all of the Debtors
 21 assume or reject unexpired leases of nonresidential real property until January 31, 2010 (the
 22 "Deadline").

23 8. On or about December 14, 2009, the Debtors contacted the landlords on the
 24 Leases for an extension of the Deadline by sending a letter requesting the landlords' consent to
 25 extend the Deadline (the "Consent Letters"). A summary chart of the landlords and the affected
 26 Leases is set forth on Exhibit A attached hereto.

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Relief Requested

9. By this Motion, the Debtors request entry of an order in the form attached hereto extending the time period by which the Debtors must assume or reject the Leases pursuant to section 365(d)(4) of the Bankruptcy Code through the earlier of (i) March 31, 2010 or (ii) the Effective Date of the Plan. A confirmation hearing has been set for January 14, 2010.

10. In the event that landlords do not return their Consent Letters prior to the Deadline, those Leases shall be deemed automatically rejected as of the Deadline by operation of Bankruptcy Code section 365(d)(4) (the “Deemed Rejected Leases”). By this Motion, the Debtors request that the landlords for the Deemed Rejected Leases be required to file any claim arising from the rejection of their Deemed Rejected Lease within thirty days after the Deadline or else such claim shall be disallowed and barred from assertion against the Debtors.

Basis for Relief

Extensions of the deadline to assume or reject unexpired leases of non-residential real property are governed by Bankruptcy Code section 365(d)(4)(A)-(B), which provides that:

(A) Subject to subparagraph (B), an unexpired lease of nonresidential real property under which the debtor is the lessee shall be deemed rejected, and the trustee shall immediately surrender that nonresidential real property to the lessor, if the trustee does not assume or reject the unexpired lease by the earlier of – (i) the date that is 120 days after the order for relief; or (ii) the date of the entry of an order confirming a plan.

(B)(i) The Court may extend the period determined under subparagraph (A), prior to the expiration of the 120-day period, for 90 days on the motion of the trustee or lessor for cause.

(ii) If the court grants an extension under clause (i), the court may grant a subsequent extension only upon prior written consent of the lessor in each instance.

11 U.S.C. § 365(d)(4)(A) – (B). Thus, the Court may, for cause, order a subsequent extension of the Deadline if the applicable landlord has consented in writing. See *id.*

Courts have recognized the benefits to granting additional time under section 365(d)(4) of the Bankruptcy Code. See In re Channel Home Ctrs., Inc., 989 F.2d 682, 689 (3d Cir. 1993) (“[N]othing prevents a bankruptcy court from granting an extension because a particular debtor needs additional time to determine whether the assumption or rejection of particular leases is

1 called for by the plan of reorganization that it is attempting to develop.”); see also In re Circle K
 2 Corp., 127 F.3d 904, 909 (9th Cir. 1997) (noting that bankruptcy courts often grant debtor’s
 3 request for an extension).

4 Although the term “cause” as used in section 365(d)(4) is not defined in the Bankruptcy
 5 Code, in determining whether cause exists for an extension of the assumption or rejection time
 6 period under Bankruptcy Code section 365(d)(4), courts have relied on several factors, including
 7 the following:

- 8 (a) whether the case is complex and involves a large number of leases;
- 9 (b) whether the leases are primary among the debtor’s assets;
- 10 (c) whether the lessor continues to receive postpetition rental payments;
- 11 (d) whether the continued occupation could damage the lessor and such lessor
 could not receive compensation under the Bankruptcy Code; and
- 12 (e) whether the debtor has been afforded enough time to develop a plan.

13 See In re Burger Boys, Inc., 94 F.3d 755, 761 (2d Cir. 1996); In re Wedtech Corp., 72 B.R. 464,
 14 471-72 (Bankr. S.D.N.Y. 1987); see also Channel Home Ctrs., 989 F.2d 682, 689 (3d Cir. 1993)
 15 (“[I]t is permissible for a bankruptcy court to consider a particular debtor’s need for more time in
 16 order to analyze leases in light of the plan it is formulating.”) (citing Wedtech, 72 B.R. at 471-
 17 72.); see generally In re Pier 5 Management Co., Inc., 83 B.R. 392, 394 (Bankr. E.D. Va. 1988)
 18 (finding that cause existed to grant extension when party objecting to the extension hindered
 19 debtor’s ability to decide whether to assume or reject lease).

20 The circumstances of the Debtors’ cases satisfy certain of the factors set forth above.
 21 Without an extension, it is possible that the Deadline will expire prior to the Effective Date, in
 22 which case the Leases would expire by operation of law under section 365(d)(4) to the detriment
 23 of the Debtors’ estates and contrary to the intention of the Plan. With an extension, the Debtors
 24 will be able to preserve the value of the Leases as provided under the Plan.

25 Furthermore, the Debtors are current on all of their postpetition rent obligations arising
 26 from and after the Petition Date for those Leases covered by the extension sought by this Motion.

1 Accordingly, for the reasons set forth above, the Debtors seek an extension of the
2 Deadline within which the Debtors must move to assume or reject as set forth above to the extent
3 that the landlords for the applicable Leases have consented in writing. The present request is
4 without prejudice to the Debtors' right to seek a further extension of the section 365(d)(4)
5 deadline if circumstances so warrant and in accordance with section 365(d)(4)(B)(ii) of the
6 Bankruptcy Code.

Notice

Pursuant to the *Order for Case Management*, entered on April 28, 2009 [Docket No. 119], the Debtors have provided notice of this Motion via first class mail to: (a) the Office of the United States Trustee for the District of Nevada; (b) counsel to the First Lien Steering Committee; (c) counsel to the Second Lien Steering Committee; (d) counsel to the Official Committee of Unsecured Creditors; (e) landlords to the Leases; and (f) any persons who have filed a request for notice in these chapter 11 cases pursuant to Bankruptcy Rule 2002. In light of the nature of the relief requested, the Debtors respectfully submit that no further notice is necessary.

Conclusion

WHEREFORE, the Debtors respectfully request that the Court enter an order, substantially in the form attached hereto as Exhibit B, granting the relief requested in the Motion and such other and further relief as may be just and proper.

DATED this 18th day of December, 2009.

LARSON & STEPHENS

/s/ Zachariah Larson, Esq.
Zachariah Larson, Bar No. 7787
Kyle O. Stephens, Bar No. 7928
810 S. Casino Center Blvd., Suite 104
Las Vegas, NV 89101
702/382-1170
Attorneys for Debtors and Debtors in
Possession

1
DECLARATION OF PAUL D. HUYGENS
2

3 I, Paul D. Huygens, declare as follows:

4 1. I am the Senior Vice President of Special Projects for the Debtors. Except as
5 otherwise stated, all facts contained within this Declaration are based upon personal knowledge
6 (albeit my own or that gathered from others within the Debtors' organization), my review of
7 relevant documents, or my opinion based upon my experience concerning the operations of the
8 Debtors . If called upon to testify, I would testify to the facts set forth in this Declaration.

9 2. The Debtors are parties to certain unexpired leases of nonresidential real property.
10 The Debtors are seeking a further extension of the time within which the Debtors must assume or
11 reject unexpired leases of nonresidential real property (the "Leases"). The Leases include the
12 Debtors' corporate headquarters lease in Las Vegas, Nevada, lease-backs on model homes, and
13 various leases for storage.

14 3. On October 28, 2009, the Court entered an order [Docket Number 657] extending
15 the time period within which all of the Debtors assume or reject unexpired leases of
16 nonresidential real property until January 31, 2010 (the "Deadline").

17 4. On or about December 14, 2009, the Debtors contacted the landlords on the
18 Leases for an extension of the Deadline by sending a letter requesting the landlords' consent to
19 extend the Deadline. A summary chart of the landlords and the affected Leases is set forth on
20 Exhibit A attached hereto.

21 5. A confirmation hearing is scheduled for January 14, 2010 and the Deadline is
22 January 31, 2010. The Leases consist of those leases of nonresidential real property that are
23 being assumed pursuant to the *Second Amended Modified Plan of Reorganization Pursuant to*
24 *Chapter 11 of the Bankruptcy Code for the Rhodes Companies, LLC et al.* [Docket Number 797]
25 (the "Plan") proposed by the First Lien Steering Committee. The Leases are being assumed as of
26 the effective date (the "Effective Date") of the Plan and, as a result, the Debtors do not want to
27 assume the Leases prior to the Effective Date.

28 6. Without an extension, it is possible that the January 31, 2010 Deadline will expire
prior to the Effective Date, in which case the Leases would expire by operation of law under

section 365(d)(4) to the detriment of the Debtors' estates and contrary to the intention of the Plan. With an extension, the Debtors will be able to preserve the value of the Leases as provided under the Plan.

7. The Debtors are current on all of their postpetition rent obligations arising from and after the Petition Date for those Leases covered by the extension sought by this Motion.

I declare under penalty of perjury pursuant to 28 U.S.C. § 1746 that the foregoing is true and correct to the best of my knowledge, information, and belief.

8 Executed this 18th day of December 2009, at Las Vegas, Nevada.

/s/Paul D. Huygens

Paul D. Huygens

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2 **EXHIBIT “A”**
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Landlord	Service Address	Landlord Consent?	Debtor/Counter party	Rental property
Glynda Rhodes	5068 Spanish Heights Las Vegas, NV 89148 252 Angels Trace Court, Las Vegas 89148	Letter sent 12/14/09, awaiting response	Rhodes Ranch General Partnership	22 Indian Run Way Las Vegas, NV
Alyssa L. and Roger L. Frank	1011 West 27 th Street Scottsbluff, NE 69361 3609 Bison Street, Scottsbluff, NE 69361	Letter sent 12/14/09, awaiting response	Rhodes Design and Development Corporation	1036 Via Camelia Street Henderson, NV 89011
Alyssa L. and Roger L. Frank	1011 West 27 th Street Scottsbluff, NE 69361 3609 Bison Street, Scottsbluff, NE 69361	Letter sent 12/14/09, awaiting response	Rhodes Design and Development Corporation	1040 Via Camelia Street Henderson, NV 89011
Alyssa L. and Roger L. Frank	1011 West 27 th Street Scottsbluff, NE 69361 3609 Bison Street, Scottsbluff, NE 69361	Letter sent 12/14/09, awaiting response	Rhodes Design and Development Corporation	1044 Via Camelia Street Henderson, NV 89011
Alyssa L. and Roger L. Frank	1011 West 27 th Street Scottsbluff, NE 69361 3609 Bison Street, Scottsbluff, NE 69361	Letter sent 12/14/09, awaiting	Rhodes Design and Development Corporation	1048 Via Camelia Street Henderson, NV 89011

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	Landlord	Service Address	Landlord Consent?	Debtor/Counter party	Rental property
1		69361	response		
2	Hua Hui Tseng Huang	534 N. Orange #A La Puente, CA 91744	Letter sent 12/14/09, awaiting response	Parcel 20, LLC (RCO)	765 Orchard Course Dr. Las Vegas, NV 89148
3	I-Chieh E. Wang and Da Ching P. Wang	52 Redwood Lane South Glastonbury, CT 06073	Letter sent 12/14/09, awaiting response	Parcel 20, LLC (RCO)	749 Orchard Course Dr. Las Vegas, NV 89148
4	Xijuan Xu and Xikui Xu	12845 Crestfield Court Rancho Cucamonga, CA 91739-8011	Letter sent 12/14/09, awaiting response	Parcel 20, LLC (RCO)	757 Orchard Course Dr. Las Vegas, NV 89148
5	Elena Elampero	5261 Polis Drive La Palma, CA 90623	Yes	Rhodes Ranch General Partnership	111 Sandy Bunker Lane Las Vegas, NV
6	Tin Kerine Cheung	2346 Indian Creek Rd Diamond Bar, CA 91765	Letter sent 12/14/09, awaiting response	Rhodes Ranch General Partnership	101 Sandy Bunker Lane Las Vegas, NV
7	REEF Colonial, LLC	1301 Fifth Avenue Suite 1500 Seattle, WA 98101	Yes	Rhodes Design and Development Corporation	4730 S. Fort Apache Rd. Suite 300 Las Vegas NV 89147
8	Fort Apache Self Storage	9345 W. Flamingo Road	Yes	Rhodes Design and Development	9345 W. Flamingo Rd

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1	Landlord	Service Address	Landlord Consent?	Debtor/Counter party	Rental property
2		Las Vegas, NV 89147		Corporation	Unit 2228 Las Vegas, NV 89147
3	Fort Apache Self Storage	9345 W. Flamingo Road Las Vegas, NV 89147	Yes	Rhodes Design and Development Corporation	9345 W. Flamingo Rd Unit 2543 Las Vegas, NV 89147
4	Fort Apache Self Storage	9345 W. Flamingo Road Las Vegas, NV 89147	Yes	Rhodes Design and Development Corporation	9345 W. Flamingo Rd Unit 1012 Las Vegas, NV 89147
5	Fort Apache Self Storage	9345 W. Flamingo Road Las Vegas, NV 89147	Yes	Rhodes Realty, Inc.	9345 W. Flamingo Rd Unit 2135 Las Vegas, NV 89147
6	Fort Apache Self Storage	9345 W. Flamingo Road Las Vegas, NV 89147	Yes	Rhodes Design and Development Corporation	9345 W. Flamingo Rd Unit 1002 Las Vegas, NV 89147
7	Mini Storage of Nevada	4303 South Arville Las Vegas, NV 89103	Letter sent 12/14/09, awaiting response	Rhodes Design and Development Corporation	4303 South Arville, Unit D- 232 Las Vegas, NV 89103
8	Recall Information Management	1428 Pama Lane Las Vegas, NV 89118	Letter sent 12/14/09, awaiting response	Rhodes Design and Development Corporation	1428 Pama Lane Las Vegas, NV 89118
9	Silverado Self Storage II	9545 West Russell Road Las Vegas, NV 89148	Letter sent 12/14/09, awaiting response	Rhodes Design and Development Corporation	9545 West Russell Rd, Unit 3016 Las Vegas NV 89148

	Landlord	Service Address	Landlord Consent?	Debtor/Counter party	Rental property
1	Stow Away	921 Olsen Street Henderson, NV 89015	Letter sent 12/14/09, awaiting response	Rhodes Realty, Inc.	921 Olsen Street, Unit 136 Henderson, NV 89015
2	Warm Springs R.V. & Mini Storage	721 Cape Horn Avenue Henderson, NV 89011	Letter sent 12/14/09, awaiting response	Tribes Holdings, LLC	Unit D01 & W44 721 Cape Horn Avenue Henderson, NV 89011
3	Neighborhood Association Group Attn: Master Association President and Tuscany Master Association Management Company	133 Rhodes Ranch Parkway Las Vegas, NV 89148	Letter sent 12/14/09, awaiting response	Rhodes Realty, Inc.	850 Olivia Parkway Henderson, NV 89011

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2 **EXHIBIT “B”**
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**ORDER APPROVING MOTION OF DEBTORS FOR ENTRY OF AN ORDER UNDER
BANKRUPTCY CODE SECTION 365(d)(4) EXTENDING TIME WITHIN WHICH
DEBTORS MAY ASSUME OR REJECT UNEXPIRED LEASES OF
NONRESIDENTIAL REAL PROPERTY – [DOCKET NO.]**

²² 1 The Debtors in these cases, along with their case numbers are: Heritage Land Company, LLC (Case No. 09-
²³ 14778); The Rhodes Companies, LLC (Case No. 09-14814); Tribes Holdings, LLC (Case No. 09-14817); Apache
²⁴ Framing, LLC (Case No. 09-14818); Geronimo Plumbing LLC (Case No. 09-14820); Gung-Ho Concrete LLC (Case
²⁵ No. 09-14822); Bravo, Inc. (Case No. 09-14825); Elkhorn Partners, A Nevada Limited Partnership (Case No. 09-
²⁶ 14828); Six Feathers Holdings, LLC (Case No. 09-14833); Elkhorn Investments, Inc. (Case No. 09-14837); Jarupa,
²⁷ LLC (Case No. 09-14839); Rhodes Realty, Inc. (Case No. 09-14841); C & J Holdings, Inc. (Case No. 09-14843);
²⁸ Rhodes Ranch General Partnership (Case No. 09-14844); Rhodes Design and Development Corporation (Case No.
09-14846); Parcel 20, LLC (Case No. 09-14848); Tuscany Acquisitions IV, LLC (Case No. 09-14849); Tuscany
Acquisitions III, LLC (Case No. 09-14850); Tuscany Acquisitions II, LLC (Case No. 09-14852); Tuscany
Acquisitions, LLC (Case No. 09-14853); Rhodes Ranch Golf Country Club, LLC (Case No. 09-14854); Overflow,
LP (Case No. 09-14856); Wallboard, LP (Case No. 09-14858); Jackknife, LP (Case No. 09-14860); Batcave, LP
(Case No. 09-14861); Chalkline, LP (Case No. 09-14862); Glynda, LP (Case No. 09-14865); Tick, LP (Case No.
09-14866); Rhodes Arizona Properties, LLC (Case No. 09-14868); Rhodes Homes Arizona, L.L.C. (Case No. 09-
14882); Tuscany Golf Country Club, LLC (Case No. 09-14884); and Pinnacle Grading, LLC (Case No. 09-14887).

1 Upon consideration of the *Motion of Debtors for Entry of an Order Under Bankruptcy*
 2 *Code Section 365(d)(4) Extending Time Within Which Debtors May Assume or Reject Unexpired*
 3 *Leases of Nonresidential Real Property* (the “Motion”) [Docket No. __], and good cause
 4 appearing,

5 IT IS HEREBY ORDERED THAT

- 6 1. The Motion is granted.
- 7 2. The time within which the Debtors² must assume or reject the Leases, pursuant to
 section 365(d)(4) of the Bankruptcy Code, is hereby extended through the earlier of (i) March
 9 31, 2010 or (ii) the Effective Date of the Plan.
- 10 3. Nothing contained herein shall be deemed to authorize the assumption or rejection
 11 of any of the Leases, except that the Deemed Rejected Leases shall be deemed rejected on
 12 January 31, 2010 if the Debtors have not received the Consent Letters by such date.
- 13 4. Any claims arising out of the rejection of the Deemed Rejected Leases must be
 14 filed within 30 days of January 31, 2010 or else such claim shall be disallowed and barred from
 15 being asserted against the Debtors.
- 16 5. The extension granted in this Order is without prejudice to the Debtors’ right to
 17 seek further extension(s) of their time to assume or reject some or all of the Leases.
- 18 6. All time periods set forth in this Order shall be calculated in accordance with Rule
 19 9006(a) of the Federal Rules of Bankruptcy Procedure.
- 20 7. The Debtors are authorized to take all actions necessary to effectuate the relief
 21 granted pursuant to this Order in accordance with the Motion.
- 22 8. Notwithstanding the possible applicability of Rules 6004(h), 7062, and 9014 of
 23 the Federal Rules of Bankruptcy Procedure or otherwise, the terms and conditions of this Order
 24 shall be immediately effective and enforceable upon its entry.
- 25 9. The Court retains jurisdiction with respect to all matters arising from or related to
 26 the implementation, interpretation and enforcement of this Order.

28 2 Capitalized terms, unless otherwise defined herein, shall have the meanings ascribed to them in the Motion.

1 APPROVED/ DISAPPROVED:
2

3 DATED this ____ day of January, 2010.
4

5 By: _____
6 UNITED STATES TRUSTEE
7 August B. Landis
8 Office of the United States Trustee
9 300 Las Vegas Blvd. S., Ste. 4300
10 Las Vegas, NV 89101
11

12 Submitted by:
13 DATED this 14th day of January, 2010.
14

15 By: /s/ Zachariah Larson
16 LARSON & STEPHENS
17 Zachariah Larson, Esq. (NV Bar No 7787)
18 Kyle O. Stephens, Esq. (NV Bar No. 7928)
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24 Attorneys for Debtors
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LR 9021 Certification

In accordance with LR 9021, counsel submitting this document certifies as follows (check one):

The court has waived the requirement of approval under LR 9021.

No parties appeared or filed written objections, and there is no trustee appointed in the case.

I have delivered a copy of this proposed order to all counsel who appeared at the hearing, any unrepresented parties who appeared at the hearing, and any trustee appointed in this case, and each has approved or disapproved the order, or failed to respond, as indicated below.

Submitted by:

DATED this 14th day of January, 2010.

By: /s/ Zachariah Larson

LARSON & STEPHENS

Zachariah Larson, Esq. (NV Bar No 7787)

Kyle O. Stephens, Esq. (NV Bar No. 7928)

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